IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Arbitration Case No. 23 of 2004
Date of Decision: 12.01.2007

Punjab State Industrial Development Corporation Limited.

.....Petitioner through Mr. Somesh Gupta, Advocate

versus

Jaspal Singh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIJENDER JAIN, CHIEF JUSTICE

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Vijender Jain, Chief Justice (Oral)

This is a petition for appointment of an Arbitrator.

There is an Arbitration Clause for settlement of disputes between the parties. Clause 32 of the agreement contains the Arbitration Clause which reads as under:-

> *All differences and dispute between the parties hereto on any clause or matter herein contained or their respective rights, claims or liabilities hereunder or otherwise, whatsoever, in relation to or arising out of this agreement shall be referred to arbitration by two Arbitrators (one to be appointed by each party) who shall, before proceeding with the reference, appoint an Umpire and such arbitration shall be governed by the*

Indian Arbitration Act, 1940 or any modification or re-enactment thereof for the time being in force".

The petitioner served a notice through registered A.D. calling upon the respondents by appointing Mr. P.H.Vaishnav, Ex. Chief Secretary, Government of Punjab, as an Arbitrator on its behalf to adjudicate the dispute in terms of the agreement. The petitioner also issued a notice to the respondent to nominate second arbitrator as per arbitration clause. Inspite of notice, the respondents did not appoint any Arbitrator. Notice of this petition was issued to the respondents who is reported to have died. The legal representative of respondent No.1 has also been served. No body has put appearance on behalf of legal representative of respondent No.1.

In these circumstances, the respondent No.1 has forfeited his right to appoint an Arbitrator.

Let Mr. P.H.Vaishnav, Ex. Chief Secretary, Government of Punjab to act as sole arbitrator to adjudicate upon the dispute between the parties in terms of the arbitration clause. The Arbitrator shall fix his own fee.

The petition stands disposed of.

(VIJENDER JAIN)
CHIEF JUSTICE

12.01.2007.
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